

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 513, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, between lines 11 and 12, begin a new paragraph and insert:
- 2 "SECTION 2. IC 13-21-3-12 (CURRENT VERSION) IS
- 3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
- 4 Sec. 12. Except as provided in section 14.5 of this chapter, the powers
- 5 of a district include the following:
- 6 (1) The power to develop and implement a district solid waste
- 7 management plan under IC 13-21-5.
- 8 (2) The power to impose district fees on the final disposal of solid
- 9 waste within the district under IC 13-21-13.
- 10 (3) The power to receive and disburse money, if the primary
- 11 purpose of activities undertaken under this subdivision is to carry
- 12 out the provisions of this article.
- 13 (4) The power to sue and be sued.
- 14 (5) The power to plan, design, construct, finance, manage, own,
- 15 lease, operate, and maintain facilities for solid waste
- 16 management.
- 17 (6) The power to enter with any person into a contract or an
- 18 agreement that is necessary or incidental to the management of
- 19 solid waste. Contracts or agreements that may be entered into
- 20 under this subdivision include those for the following:

1 (A) The design, construction, operation, financing, ownership,
2 or maintenance of facilities by the district or any other person.

3 (B) The managing or disposal of solid waste.

4 (C) The sale or other disposition of materials or products
5 generated by a facility.

6 Notwithstanding any other statute, the maximum term of a
7 contract or an agreement described in this subdivision may not
8 exceed forty (40) years.

9 (7) The power to enter into agreements for the leasing of facilities
10 in accordance with IC 36-1-10 or IC 36-9-30.

11 (8) The power to purchase, lease, or otherwise acquire real or
12 personal property for the management or disposal of solid waste.

13 (9) The power to sell or lease any facility or part of a facility to
14 any person.

15 (10) The power to make and contract for plans, surveys, studies,
16 and investigations necessary for the management or disposal of
17 solid waste.

18 (11) The power to enter upon property to make surveys,
19 soundings, borings, and examinations.

20 (12) The power to:

21 (A) accept gifts, grants, loans of money, other property, or
22 services from any source, public or private; and

23 (B) comply with the terms of the gift, grant, or loan.

24 (13) The power to levy a tax within the district to pay costs of
25 operation in connection with solid waste management, subject to
26 the following:

27 (A) Regular budget and tax levy procedures.

28 (B) Section 16 of this chapter.

29 However, except as provided in section 15 of this chapter, a
30 property tax rate imposed under this article may not exceed
31 twenty-five cents (\$0.25) on each one hundred dollars (\$100) of
32 assessed valuation of property in the district.

33 (14) The power to borrow in anticipation of taxes.

34 (15) The power to hire the personnel necessary for the
35 management or disposal of solid waste in accordance with an
36 approved budget and to contract for professional services.

37 (16) The power to otherwise do all things necessary for the:

38 (A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;
 if the primary purpose of activities undertaken under this
 subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law.
 However:

(A) a resolution is not effective in a municipality unless the
 municipality adopts the language of the resolution by
 ordinance or resolution; **and**

**(B) the district may not adopt a resolution or continue to
 enforce a resolution or an ordinance that establishes
 permits or licenses for the following:**

**(i) The siting or operation of a solid waste management
 facility that is not owned by the district.**

(ii) The collection and transportation of solid waste.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally
 exempt small quantity generator (as described in 40 CFR
 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and
 disposal project grant under IC 13-20-20 and carry out all
 commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a
 household hazardous waste and conditionally exempt small
 quantity generator (as described in 40 CFR 261.5(a))
 collection and disposal project, so that at the end of the
 district's fiscal year the unused and unencumbered balance of
 appropriated money reverts to the district's general fund only
 if the district's board specifically provides by resolution to
 discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as
 described in IC 13-20-22-2 and carry out all commitments
 contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement
 under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

- 1 services from a county or municipality.
- 2 (20) The power to compensate advisory committee members for
- 3 attending meetings at a rate determined by the board.
- 4 (21) The power to reimburse board and advisory committee
- 5 members for travel and related expenses at a rate determined by
- 6 the board.
- 7 (22) In a joint district, the power to pay a fee from district money
- 8 to the counties in the district in which a final disposal facility is
- 9 located.
- 10 (23) The power to make grants or loans of:
- 11 (A) money;
- 12 (B) property; or
- 13 (C) services;
- 14 to public or private recycling programs, composting programs, or
- 15 any other programs that reuse any component of the waste stream
- 16 as a material component of another product, if the primary
- 17 purpose of activities undertaken under this subdivision is to carry
- 18 out the provisions of this article.
- 19 (24) The power to establish by resolution a nonreverting capital
- 20 fund. A district's board may appropriate money in the fund for:
- 21 (A) equipping;
- 22 (B) expanding;
- 23 (C) modifying; or
- 24 (D) remodeling;
- 25 an existing facility. Expenditures from a capital fund established
- 26 under this subdivision must further the goals and objectives
- 27 contained in a district's solid waste management plan. Not more
- 28 than five percent (5%) of the district's total annual budget for the
- 29 year may be transferred to the capital fund that year. The balance
- 30 in the capital fund may not exceed twenty-five percent (25%) of
- 31 the district's total annual budget. If a district's board determines
- 32 by resolution that a part of a capital fund will not be needed to
- 33 further the goals and objectives contained in the district's solid
- 34 waste management plan, that part of the capital fund may be
- 35 transferred to the district's general fund, to be used to offset
- 36 tipping fees, property tax revenues, or both tipping fees and
- 37 property tax revenues.
- 38 (25) The power to conduct promotional or educational programs

1 that include giving awards and incentives that further the district's
2 solid waste management plan.

3 SECTION 3. IC 13-21-3-12 (DELAYED VERSION) IS
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1,
5 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the
6 powers of a district include the following:

7 (1) The power to develop and implement a district solid waste
8 management plan under IC 13-21-5.

9 (2) The power to impose district fees on the final disposal of solid
10 waste within the district under IC 13-21-13.

11 (3) The power to receive and disburse money, if the primary
12 purpose of activities undertaken under this subdivision is to carry
13 out the provisions of this article.

14 (4) The power to sue and be sued.

15 (5) The power to plan, design, construct, finance, manage, own,
16 lease, operate, and maintain facilities for solid waste
17 management.

18 (6) The power to enter with any person into a contract or an
19 agreement that is necessary or incidental to the management of
20 solid waste. Contracts or agreements that may be entered into
21 under this subdivision include those for the following:

22 (A) The design, construction, operation, financing, ownership,
23 or maintenance of facilities by the district or any other person.

24 (B) The managing or disposal of solid waste.

25 (C) The sale or other disposition of materials or products
26 generated by a facility.

27 Notwithstanding any other statute, the maximum term of a
28 contract or an agreement described in this subdivision may not
29 exceed forty (40) years.

30 (7) The power to enter into agreements for the leasing of facilities
31 in accordance with IC 36-1-10 or IC 36-9-30.

32 (8) The power to purchase, lease, or otherwise acquire real or
33 personal property for the management or disposal of solid waste.

34 (9) The power to sell or lease any facility or part of a facility to
35 any person.

36 (10) The power to make and contract for plans, surveys, studies,
37 and investigations necessary for the management or disposal of
38 solid waste.

- 1 (11) The power to enter upon property to make surveys,
 2 soundings, borings, and examinations.
- 3 (12) The power to:
- 4 (A) accept gifts, grants, loans of money, other property, or
 5 services from any source, public or private; and
- 6 (B) comply with the terms of the gift, grant, or loan.
- 7 (13) The power to levy a tax within the district to pay costs of
 8 operation in connection with solid waste management, subject to
 9 the following:
- 10 (A) Regular budget and tax levy procedures.
- 11 (B) Section 16 of this chapter.
- 12 However, except as provided in section 15 of this chapter, a
 13 property tax rate imposed under this article may not exceed eight
 14 and thirty-three hundredths cents (\$0.0833) on each one hundred
 15 dollars (\$100) of assessed valuation of property in the district.
- 16 (14) The power to borrow in anticipation of taxes.
- 17 (15) The power to hire the personnel necessary for the
 18 management or disposal of solid waste in accordance with an
 19 approved budget and to contract for professional services.
- 20 (16) The power to otherwise do all things necessary for the:
- 21 (A) reduction, management, and disposal of solid waste; and
 22 (B) recovery of waste products from the solid waste stream;
 23 if the primary purpose of activities undertaken under this
 24 subdivision is to carry out the provisions of this article.
- 25 (17) The power to adopt resolutions that have the force of law.
 26 However:
- 27 (A) a resolution is not effective in a municipality unless the
 28 municipality adopts the language of the resolution by
 29 ordinance or resolution; **and**
- 30 **(B) the district may not adopt a resolution or continue to**
 31 **enforce a resolution or an ordinance that establishes**
 32 **permits or licenses for the following:**
- 33 **(i) The siting or operation of a solid waste management**
 34 **facility that is not owned by the district.**
- 35 **(ii) The collection and transportation of solid waste.**
- 36 (18) The power to do the following:
- 37 (A) Implement a household hazardous waste and conditionally
 38 exempt small quantity generator (as described in 40 CFR

- 1 261.5(a)) collection and disposal project.
- 2 (B) Apply for a household hazardous waste collection and
- 3 disposal project grant under IC 13-20-20 and carry out all
- 4 commitments contained in a grant application.
- 5 (C) Establish and maintain a program of self-insurance for a
- 6 household hazardous waste and conditionally exempt small
- 7 quantity generator (as described in 40 CFR 261.5(a))
- 8 collection and disposal project, so that at the end of the
- 9 district's fiscal year the unused and unencumbered balance of
- 10 appropriated money reverts to the district's general fund only
- 11 if the district's board specifically provides by resolution to
- 12 discontinue the self-insurance fund.
- 13 (D) Apply for a household hazardous waste project grant as
- 14 described in IC 13-20-22-2 and carry out all commitments
- 15 contained in a grant application.
- 16 (19) The power to enter into an interlocal cooperation agreement
- 17 under IC 36-1-7 to obtain:
- 18 (A) fiscal;
- 19 (B) administrative;
- 20 (C) managerial; or
- 21 (D) operational;
- 22 services from a county or municipality.
- 23 (20) The power to compensate advisory committee members for
- 24 attending meetings at a rate determined by the board.
- 25 (21) The power to reimburse board and advisory committee
- 26 members for travel and related expenses at a rate determined by
- 27 the board.
- 28 (22) In a joint district, the power to pay a fee from district money
- 29 to the counties in the district in which a final disposal facility is
- 30 located.
- 31 (23) The power to make grants or loans of:
- 32 (A) money;
- 33 (B) property; or
- 34 (C) services;
- 35 to public or private recycling programs, composting programs, or
- 36 any other programs that reuse any component of the waste stream
- 37 as a material component of another product, if the primary
- 38 purpose of activities undertaken under this subdivision is to carry

- 1 out the provisions of this article.
- 2 (24) The power to establish by resolution a nonreverting capital
- 3 fund. A district's board may appropriate money in the fund for:
- 4 (A) equipping;
- 5 (B) expanding;
- 6 (C) modifying; or
- 7 (D) remodeling;
- 8 an existing facility. Expenditures from a capital fund established
- 9 under this subdivision must further the goals and objectives
- 10 contained in a district's solid waste management plan. Not more
- 11 than five percent (5%) of the district's total annual budget for the
- 12 year may be transferred to the capital fund that year. The balance
- 13 in the capital fund may not exceed twenty-five percent (25%) of
- 14 the district's total annual budget. If a district's board determines
- 15 by resolution that a part of a capital fund will not be needed to
- 16 further the goals and objectives contained in the district's solid
- 17 waste management plan, that part of the capital fund may be
- 18 transferred to the district's general fund, to be used to offset
- 19 tipping fees, property tax revenues, or both tipping fees and
- 20 property tax revenues.
- 21 (25) The power to conduct promotional or educational programs
- 22 that include giving awards and incentives that further the district's
- 23 solid waste management plan.".
- 24 Page 2, delete line 42.
- 25 Page 3, delete line 1.
- 26 Page 4, after line 4, begin a new paragraph and insert:
- 27 **"(g) A resolution adopted under subsection (d) may authorize a**
- 28 **district to perform more than one (1) solid waste recycling,**
- 29 **collection, or disposal event in the manner described in subsection**
- 30 **(b) if:**
- 31 **(1) the duration of each event authorized by the resolution is**
- 32 **not more than one (1) day; and**

1 **(2) all events authorized by the resolution will take place in**
 2 **one (1) calendar year."**

3 Renumber all SECTIONS consecutively.
 (Reference is to SB 513 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

Gard

Chairperson